

## Graham, Benita

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**From:** McGuigan, David  
**Sent:** Friday, November 18, 2016 3:56 PM  
**To:** Roushey, Jennifer S. (DNREC); Bryan A. Ashby (DNREC) (Bryan.Ashby@state.de.us)  
**Cc:** Trulear, Brian; Moncavage, Carissa; Smith, Mark; Green, Margaret  
**Subject:** Delaware City Refinery: FW: Biological Evaluation- DC MS4 2016 reissuance  
**Attachments:** Biological Evaluation DC 0000221 11-16-2016.doc; Biological Evaluation DC 0000221 11-16-2016.pdf

Delaware Colleagues,

This is follow-up to the call we had last week. I do not know whether anyone forward this to you, but I was reading it today, and as we discussed, I think that it might be useful in helping you develop a response to NMFS. There is contained here a lot of useful information by our Margaret Green. As we discussed, it would be good for Delaware to incorporate some of this BE information into its response for its justification on why specific controls are not necessary. From my memory it appears that there were two measures that probably would need a beefed up justification, namely – fish return location and diversion structures.

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**From:** Green, Margaret  
**Sent:** Friday, November 18, 2016 2:12 PM  
**To:** McGuigan, David <McGuigan.David@epa.gov>  
**Subject:** Biological Evaluation- DC MS4 2016 reissuance

Hi David,

I have attached the BE (both as a word doc and pdf) that was submitted to both USFWS and NMFS on 11/17/2016. If you want to see any of the documents referenced in the AR (that lack a weblink) they are located on the following drive:

L:\Share\Stormwater (ORC-WPD)\DC\DC0000221 DC MS4\2016 Permit Reissuance\Biological Evaluation\BE AR Documents.

Also, NMFS website and USFWS websites do not make it obvious, but NMFS has some great BE examples and suggestions in regards to the Atlantic sturgeon and its critical habitat designation.

Let me know if you need anything else or if anyone has any questions,

Maggie

**Margaret Green**  
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